

SUMMARY OPINION AND ORDER; NOT INTENDED FOR PUBLICATION
IN THE OFFICIAL REPORTERS

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GREG SHAW,

Plaintiff,

v.

ONEWEST BANK, FSB *et al.*,

Defendants.

Civil Action No. 13-cv-1526 (RLW)

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff Greg Shaw's motion to stay the Court's memorandum opinion and order¹ granting in part and denying in part Defendants McCurdy & Candler, LLC ("McCurdy") and OneWest Bank, FSBs' ("OneWest") motions to dismiss the plaintiff's complaint. Dkt. No. 22. The Court denies this motion.

Although styled as a "motion to stay," the plaintiff's motion is effectively a motion for reconsideration because it cites Rule 59(e) and requests the Court to "alter or amend judgment ... for errors and omissions made by the court." *See* Dkt. No. 22 at 1. A Rule 59(e) motion "is discretionary and need not be granted unless the district court finds that there is an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Dyson v. Dist. of Columbia*, 710 F.3d 415, 420 (D.C. Cir. 2013). In support of his motion, the plaintiff argues that the Court incorrectly found that Mr. Shaw's loan was transferred to Defendant OneWest, and that the federal district court for the Northern District of Georgia is the proper court for this litigation. *See* Dkt. No. 22 at 2. These arguments

¹ The Court initially issued this memorandum opinion and order on December 18, 2013. On January 2, 2014, the Court granted OneWest's motion for reconsideration in order to clarify the scope of the Court's order.

do not satisfy the plaintiff's high burden. *See, e.g., SmartGene, Inc. v. Advanced Biological Labs., SA*, 915 F. Supp. 2d 69, 72 (D.D.C. 2013) ("A motion for reconsideration under Rule 59(e) is not simply an opportunity to reargue facts and theories upon which a court has already ruled.") (internal quotation marks omitted).

Accordingly, it is hereby

ORDERED that Plaintiff's motion to stay is DENIED.

SO ORDERED.

Date: January 13, 2014

ROBERT L. WILKINS
United States District Judge